

ORDINANCE NO. 10-54

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, AMENDING THE FUTURE LAND USE MAP FROM RESIDENTIAL OFFICE TO COMMERCIAL; **PROPERTY LOCATED 535 EAST 49 STREET, HIALEAH, FLORIDA, ZONED RO (RESIDENTIAL OFFICE);** REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, an application for a small scale amendment to the Future Land Use Map of the Hialeah, Fla., Comprehensive Plan was not recommended for approval by the Planning and Zoning Board on April 7, 2010 because the proposed amendment involved the same owner's property within 200 feet of property granted a change within the prior 12 months;

**WHEREAS**, the City Council established its intent to amend the Future Land Use Map, subject to approval by the Florida Department of Community Affairs or as otherwise provided in section 163.3184, Florida Statutes, through Hialeah, Fla., Resolution 10-43 (May 4, 2010) that was submitted to the Department for approval; and

**WHEREAS**, the Department of Community Affairs concluded its review and raised no comments regarding the Future Land Use Amendment on June 16, 2010, finding it in compliance with the Local Government Comprehensive Planning and Land Development Regulation Act.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

**Section 1:** The Future Land Use Map is hereby amended from Residential Office to Commercial. Property located at 535 East 49 Street, Hialeah, Miami-Dade County, Florida, zoned RO (Residential Office), and legally described as follows:

LOT 4, AND THE WEST ½ OF LOT 5, IN BLOCK 8, OF PETER'S PARK, A SUBDIVISION OF THE SOUTH ½ OF TRACTS 1 AND 8 OF THE REVISED PLAT OF PETER'S PARK, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 33, PAGE 79, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LESS THE SOUTH 7.00 FEET THEREOF FOR PUBLIC RIGHT-OF-WAY.

**Section 2: Repeal of Ordinances in Conflict.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 3: Penalties.**

Any person, business, association, corporation, partnership or other legal entity who violates any of the provisions of this ordinance shall receive a civil penalty, up to a maximum of \$500.00, within the discretion of the court or administrative tribunal having jurisdiction. Each day that a violation continues shall constitute a separate violation.

**Section 4: Severability Clause.**

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

**Section 5: Effective Date.**

The effective date of this plan amendment shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the amendment in compliance in accordance with section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits or land uses dependent on this amendment may be issued or commenced before it has become effective. If the Administration Commission issues an order of noncompliance, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy shall be sent to the Department of Community

Affairs, Bureau of Local Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

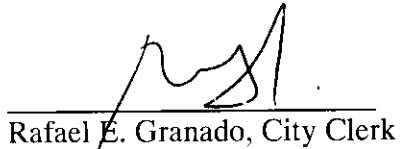
PASSED and ADOPTED this 14th day of September, 2010.

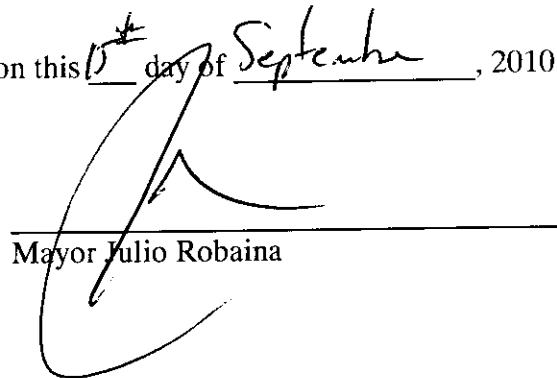
THE FOREGOING ORDINANCE  
OF THE CITY OF HIALEAH WAS  
PUBLISHED IN ACCORDANCE  
WITH THE PROVISIONS OF  
FLORIDA STATUTE 166.041  
PRIOR TO FINAL READING.

  
Carlos Hernandez  
Council President

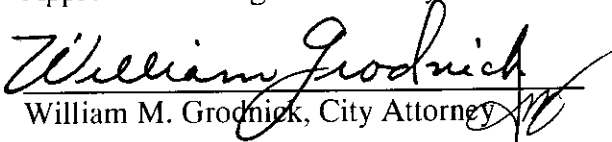
Attest:

Approved on this 15<sup>th</sup> day of September, 2010.

  
Rafael E. Granado, City Clerk

  
Mayor Julio Robaina

Approved as to legal sufficiency and form:

  
William M. Grodnick, City Attorney

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Ordinance was adopted by a 6-0 vote with Councilmembers, Caragol, Casals-Muñoz, Cue, Garcia-Martinez, Hernandez and Yedra voting "Yes", Councilmember Gonzalez absent.